UNITED STATES PATENT AND TRADEMARK OFFICE

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10/073,269	02/13/2002	Hiroki Konaka	401571	6817

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The following office action is in response to the amendment filed on March 28, 2007. Claims 1,

3-16 are pending. Claims 1, 6, 10 and 12 have been amended. Claims 13-16 are newly added.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because Claim 16 is directed to "A computer

program for a user interface apparatus stored in a recordable medium and controlling a

computer" which is directed to non-statutory subject matter as not being tangibly embodied in a

manner so as to be executable. According to the USPTO Interim Guidelines for Patent Subject

Matter Eligibility, computer programs are neither computer components nor statutory processes,

as they are not "acts" being performed nor do they define any structural and functional

interrelationships between the computer program and other claimed elements of a computer

which permit the computer program's functionality to be realized. Therefore, a claim that recites

language such as "A computer program...comprising..." is NOT statutory.

Applicant should note, however, that claims directed to a claimed computer-readable

medium encoded with a computer program is a computer element which defines structural and

functional interrelationships between the computer program and the rest of the computer which

permit the computer's functionality to be realized, and is thus statutory. Applicant is directed to

page 53 of the USPTO Interim Guidelines for Patent Subject Matter Eligibility for further

information.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1, 3-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldfield et

al (EP 0622729 A2) in view of Love (EP 0262759 A1).

As to independent claim 1, Oldfield et al teach a user interface designing apparatus (page

2, lines 11-12), comprising; a composite display part (display, page 4, lines 1-21); wherein the

composite display part is displayed to a user as part of a user interface designed by the user

interface designing apparatus (page 2, lines 11-12 and page 4, lines 1-21); event handling editing

means (shown by the interface server for handling different queries) for describing event

handling for a transition in each of the composite display part (page 4, lines 13-21); elementary

display part storing means(working memory area, page 6, lines 47-56) for storing elementary

display parts designed previously (page 6, lines 47-56); and display editing means (page 7, lines

30-47, where interfaces are edited and displayed) for adding/deleting elementary display parts to

be displayed in each of the composite display part (page 4, lines 1-21).

Oldfield et al teach composite display part storing means for storing said composite

display parts as designed (page 6, lines 47-56), wherein said display editing means is arranged to

add/delete another composite display part designed (page 4, lines 1-21, page 6, lines 9-20).

Oldfield et al fails to teach different states and state set editing means for adding/deleting

states. Love teaches a graphical user interface designing apparatus comprising a state set editing

means (main control program of Fig. 5) for adding/deleting states (shown in col. 9, lines 34-55,

where models are formed as shown by Fig. 2 and 3, and col. 10, teaches how the state set editing

means adds new states or models). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to include the plurality of states and the state set editing

means as taught by Love into the user interface designing apparatus of Oldfield et al as the

different states enables easy modification of the interfaces and displays (abstract of Love).

As to dependent claim 3, limitations of claim 1, and further comprising, Love teaches

wherein said state set editing means groups several states of the composite display part in a

grouped state and edits, en bloc, the display parts which are commonly displayed in the grouped

state (col. 11, lines 1-55, teaches grouping and editing multiple states).

As to dependent claim 4, limitations of claim 1, and further comprising, Love teaches

wherein said state set editing means is arranged to group several states of the composite display

part in a grouped state (col. 11, lines 1-55), and Oldfield teaches said event handling editing

means edits, en bloc, the event handlings which are common (page 4, lines 1-21, page 6, lines 9-

20).

As to dependent claim 5, limitations of claim 1, and further comprising, Oldfield et al as modified by Love teach wherein the elementary display part stored in said elementary display part storing means has properties corresponding to size, position, external appearance, and behavior, and further comprising property editing means for editing the properties of the elementary display part added to each state or group of states of the composite display part (page 6, lines 47-56).

As to dependent claim 6, limitations of claim 5, and further comprising, Oldfield et al as modified by Love teach composite display part property setting means adding/deleting the properties representative of behaviors of the composite display part (page 4, lines 1-20 and page 6, lines 9-20), wherein said property editing means edits the properties of the composite display part added to each state or group of states of said composite display part (page 6, lines 9-20).

As to dependent claim 7, limitations of claim 5, and further comprising, Oldfield et al as modified by Love teach wherein said property editing means describes the properties of the elementary display part or, alternatively (page 7, lines 30-47), the composite display part by referencing values of the properties of another elementary display part or, alternatively, the properties of another composite display part (page 4, lines 1-21).

As to dependent claim 8, limitations of claim 5, and further comprising, Oldfield et al as modified by teach wherein said state display editing means displays, graphically, disposition of the elementary display part (page 4, lines 1-21) or, alternatively, the composite display part in each state or group of states of the composite display part while editing, graphically, properties and information concerning layout, such as size or dimension or inter-part relation, through direct manipulation with an input device (page 6, lines 47-56).

As to dependent claim 9, limitations of claim 5, and further comprising, Oldfield et al as

modified by Love teach wherein said state display editing means displays, graphically,

disposition of the elementary display part (page 4, lines 1-21), or alternatively, the composite

display part in each state or group of states of the composite display part while editing,

graphically, properties and information concerning layout, inclusive of size or inter-part relation

through direct manipulation with an input device, or alternatively, by activating directly a

corresponding one of said property editing means (page 6, lines 47-56).

As to dependent claim 10, limitations of claim 2, and further comprising, Oldfield et al as

modified by Love teach simulation means for simulating behavior of the composite display part

stored in said composite display part storing means in conformance with manipulation input

activated through an input device (page 7, lines 9-50).

As to dependent claim 11, limitations of claim 10, and further comprising, Oldfield et al

as modified by Love teach visual display part storing means for storing virtual display parts

having functions realized virtually by said simulation means (page 4, lines 1-21).

As to dependent claim 12, limitations of claim 10, and further comprising, Oldfield et al

as modified by Love teach wherein said event handling editing means sets a virtual event and

edits an event handling for the event (page 4, lines 1-21), and said simulation means issues the

event, virtually, through an input/output device to simulate the processing for the virtual event

issued, with a relevant composite display part (page 7, lines 9-50).

As to independent claims 13-15, see limitations set forth in claims 1, 3-12, above, further

comprising, Oldfield teaches a user interface apparatus comprising input means (page 6, lines 3-

5) for receiving information from an input device, display means (Fig. 1a, item 28) for displaying

a user interface of a design subject apparatus on a display device.

As to independent claim 16, see limitations set forth in claims 1, 3-14 above, further

Oldfield teaches a computer program for a user interface apparatus stored in a recordable

medium and controlling a computer (page 2, line 55-page 3, line 9).

Response to Arguments

Applicant's arguments, see arguments, filed March 28, 2007, with respect to the

rejection(s) of claim(s) 1-12 under 35 USC 102 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made in view of Oldfield et al (EP 0622729 A2) in view of Love (EP

0262759 A1).

With respect to applicant's arguments in regards to the plurality of states and the state set

editing means, see new rejection in view of Love.

With respect to applicant's arguments in regards to where Oldfield fails to teach the event

handler, Examiner, respectfully, disagrees. Oldfield teaches an event handler in the form of an

interface server, which handles events or queries as shown in the rejection above, thus teaching

the event handler.

With respect to means plus function as remarked by the applicant on page 12 of the

response, as shown above, the claims are treated as set forth in MPEP 2181.

Therefore, the combination of Oldfield and Love teach the limitations set forth in the

instant application. The rejection is non-final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        Srilakshmi K Kumar
                                        Examiner
                                        Art Unit 2629

SKK
June 9, 2007

Dennis Doon Chow
Primary Examiner